BE TRIED FOR **FORGERY**

Supreme Court Rules That Indict ment Brought By Grand Jury That Was Summoned By Judge Parsons of Hilo Was Found By Legally Constituted Body.

David Mattoon of Laupahoehoe, Ha waii, will have to answer before Judge wan, will have to answer before Judge Parsons of the Hilo circuit court to the charge of forgery under the indictment found against him by the territorial grand jury some months ago, the so-preme court vesterday deciding that the grand jury in question, summoned by Judge Parsons, was legally consti-tuted.

The case against Mattoon is one of the many which resulted from the inrestigations carried on by the Hawaii graft commission. Mattoon, while an employe of the Laupahochoe Su-gar Company's business office at gar Company's business office at Papaalon, was road supervisor for the County of Hawati in the district of North Hilo. It has been alleged that he spent from half an hour to an hour duity, before his duties at the company's office required his presence there, in looking over the

road work, but drew down full pay as road supervisor.

The investigation carried on by the graft commission brought about the ar-rest of David Mattoon on the charge of forgery in connection with certain names found on the alleged padded pay rolls of the North Hilo road department. On August 15, this year, Mattoon was held by District Magistrate Tristan Osorio on the charge and committed to the circuit court.

Judge Parsons summoned the grand jury to meet in Hilo to take up, among other matters, a number of commit-ments which resulted from the investi-gations of the graft commission, that gations of the graft commission, that of Matteon being one of the cases to be brought before the grand jury. When the grand jury met in Hilo on September 29 Attorney Claudius Mc-Bride, representing Matteon, appeared before the court and filed an "objection to jurisdiction and challenge to array of grand jury."

Questioned Judge's Authority.

Under the objection it was alleged and claimed that as Judge Parsons' commission expired on January 6, 1913, and no new appointment had been made, neither Judge Parsons nor any

Judge Parsons was commissioned on January 6, 1969, by President Roosevelt, standing by to render any assistance with the advice and consent of the possible. During yesterday the steamer senate of the United States, as judge Claudine got a line fast to the Allen.

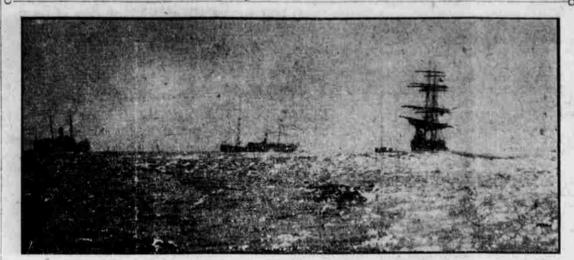
sented last week before the supreme court when the question were taken un-der advisement contended that "under entertained for floating the bark. circuit judge of this Territory ceases absolutely at the end of the term of their home aboard the boat. Mrs. Coulsen is well matter was formerly a resident of Hamiltonian of the supremental the supremental control of the supremental cont opinion, however, that that question is not presented for determination by the

Opinion Is Unanimous.

The opinion of the supreme court, one, may leave the name but a memory filed yesterday on the reserved questions as to whether Judge Parsons had the authority to summon the grand jury or appointed has clapsed, there being and whether he had the right to make no dejure incumbent, is a de facto offiany orders as judge, was written by ver, and his title and authority cannot Chief Justice Robertson and concurred be collaterally questioned in proceed-Chief Justice Robertson and concurred be collaterally questioned in proceedin by Associate Justices Perry and De ings to which he is not a party or which Bolt and is the unanimous opinion of were not instituted to determine their

the supreme court. "Since January 6th last," says the

Bark S. C. Allen, With \$20,000 Lumber Cargo, Goes on Reef in Sight of Port



Island Steamers Get Lines to Stranded Ship, Cargo is Being Jettisoned and There is Hope It May be Floated With High Tide Today

The bark S C Allen, Captain Mather: eighteen days from Ludlow with 850,000 feet of lumber consigned to Alien & Robinson, piled up on the rocks bow on near Dinmond Head shortly after Onoon yesterday and up to an early hour this morning was still hard and fast, although resting easily

The work of freeing the vessel of its deck load was begun on the advice of Alee Lyle, who was appointed surveyor for the insurers, H. Hackfeld & Company, and shortly after six o'clock last night a force of men were taken out to the stranded vessel by the Young Brothers' launch to assist the crew in the work. The cargo is insured for twenty thousand dollars, but there is no insurance on the vessel.

At last accounts the steamers Waifele, one else was qualified to call or swear a Kukui, Mikahala and the tug Intrepid a grand jury or to otherwise act as judge of the circuit court of the fourth keeping a strain on it. The steamer circuit as had lines on the vessel's stern and were Likelike and Navy tug Navajo were senate of the United States, as judge of the court in question "for the term of four years, commencing with the date hereof, subject to the provisions of the law."

Judge Parsons, following the objection made by Mattoon's attorney, reserved for the consideration of the surveys court the reserved control of the surveys court of the surveys court the reserved control of the surveys court of the surveys cour

The Allen bus been followed by a

record before us, and that it cannot be this year the Allen was nearly destroyraised in the manner followed in the ed by fire and at great expense was practically rebuilt. Its present pre-dicament, which hids fair to be its final

validity.

'Same—judge de facto.

Parsens Is De Facto Judge.

of his commission he is a judge de jure, and if this meambency has been as facto judge."

A color of authority, but in good faith and under the circumstances of general sequiessence. . he is a judge de facto judge. "He will also discovered by the solution of the surprise court, for the surpris



Upper view shows bark S. C. Allen on the reef with local steamers Kukui and Chaudine standing by to render aid. Lower view shows bank as it is filling with water and listing to port. Tug Intrepid, with line to vessel, in background.

BRITISH SHOW

esics Extended Officers and Crow of New Zealand

By direction of the British Govern-

Captain Mather's wife, who was a passenger with him, was taken off the passenger with him, was taken off the Admiralty have received and conveyed to the lighthouse tender Kukui, where she is safely housed.

Some and conveyed to the lighthouse tender Kukui, where she is safely housed.

The september of the woman he shot, another to the woman, a third to his own wife and the conveyed to the woman as it was yes. bilg. Captain Halsey reports that the ship was given a great welcome by sate that the man contemplated ending thousands of people, that during her the life of the woman as well as comenptain stay practically every day was fully mitting suicide.

fe make compied by entertainment of all sorts Hyashi committed suicide under performent of the for officers and men, and that a recollar circumstances and was still tof Ho view of all the troops was held in the breathing when Segment Fred lauken well in the property of the relief found him. The man had

> I have the honor to request that the above information may be communieated to the proper authorities, I have etc. . CECIL SPRING RICE. 'The Honorable W. J. Bryan, Scere-tary of State.''

CHOOSES DEATH

Honolulans Thanked for Court- Japanese Wanted For Shooting Woman Commits Suicide as Officers Approach.

Preferring death to arrest on a charge ment, Ambassador Cecil Spring-Rice of arsault with intent to murder, *M. has thanked Honolule for the welcome Hynshi, Japanese, yesterday morning extended H. M. S. New Zealand dur- shot and killed himself in a cottage in

Mather was formerly a resident or 110 cide of all the troops was nolulu, and as Mrs. Coulsen is well ship's henor.

While on the marine railway early this year the Allen was nearly destroyment the sincere thanks of that of His the growing store order he was accust ment the sincere thanks of that of His the growing store order he was accust ment the sincere thanks of that of His the growing store order he was accust ment the sincere thanks of that of His the growing store order he was accust ment the sincere thanks of that of His the growing store order he was accust ment the sincere thanks of that of His the growing store order he was accust ment the sincere thanks of that of His the growing store order he was accust ment the sincere thanks of that of His the growing store order he was accust ment the sincere thanks of that of His the growing store order he was accust ment the sincere thanks of that of His the growing store order he was accust ment the sincere thanks of that of His the growing store order he was accust ment the sincere thanks of the police found him. The man had appeared to the police found him. formerly employed in a grocery store. She gave him the order and he then requested permission to sit down in the house as he was tired. She granted it and went about her work.

Ends Life A. Com.

Ends Life As Officers Approach.



MARINE TIDINGS. By Merchants' Exchange

Friday, October 10, 1913.

Yokohams—Arrived, October 9, 8, 8, Nilc, hence September 27, Saturday, October 11, 1913, Adelaide—Arrived, October 10, 8, 8,

Str. Claudine, for Kahului, 5 p. m. M. N. S. S. Hyades, for Island ports, Str. Mauna Kea, for Hilo, 3 p.

T. K. K. S. S. Hongkong Maru, for San Francisco, 5 p. m. A. H. S. S. Mexican, for Island ports and San Francisco, p. m. T. K. K. S. S. Tenyo Maru, for Yokoama, 5 p. m. Str. Claudine, for Maui, 5 p. m.

P. M. S. S. Korea, for San Francisco,

PASSENGERS. Arrived.

Jongs 100 Mattoon's attorney, restrict made by Mattoon's attorney, restrict for the consideration of the supreme court the reserve questions, which were as follows, and which the supreme court yesterday answered is the laying of anchors and with the supreme court yesterday answered is the laying of anchors and with the supreme court yesterday answered is the laying of anchors and with the supreme court yesterday answered is the laying of anchors and with the supreme court yesterday answered is the laying of anchors and with the supreme court yesterday answered is the laying of anchors and with the supreme court yesterday answered is the laying of anchors and with the supreme court yesterday answered is the laying of anchors and with the supreme court yesterday answered in the laying of anchors and with the supreme court the reserve questions, which were as follows, and which the supreme court yesterday answered is the laying of anchors and with the supreme court yesterday answered in the laying of anchors and with the supreme court yesterday answered in the laying of anchors and with the supreme court yesterday answered in the laying of luft-tackles and man power an additional strain will be put on the yease, of the left of thanks was received in the laying of luft-tackles and man power an additional strain will be put on the yease, of the late of the laying of luft-tackles and man power an additional strain will be put on the yease, of the late of the laying file the laying of luft-tackles and man power an additional strain will be put on the yease, of the late of the the laying file the laying file the laying file the laying file the doly them has been belief that it in the laying for the man for the layer of the train the layer of the train the possibility if it holds together that it may be gotten off.

The Allen is considered in the sum power an additional strain will be put on the vessel, of the layer of the the laying file th Per str. Manna Ken, from Hilo, Oct.

11. From Hilo.—Miss E. Hayward,
Miss G. Hayward, Miss Ripley, Miss
Von Wahl, Miss Von Hussen, Hans Halich, H. H. McCoy, A. C. Baker, wife
and three children, and servant, Mrs.
W. Mayne, B. F. Dillingham, Naka,
W. Mayne, B. F. Dillingham, Naka,
W. Miss Kalahos, Mass M. A. Alvis Robinson, Miss V. Fernandez,
Mass Kalahos, Mass M. A. Alvis Robinson, Miss V. Fernandez, W. Alston, From Kawaihae—W. Wil-liamson, H. Fugitani, H. Akona, A. Hay, C. A. Brown, M. D. Monsarrat, H.

Per T. K. K. S. S. Hongkong Maru, from Yokohama, October 11.—For San Francisco.—M. Fred Chu, Mrs. L. G.

tary of State."

The letter from the state department, transmitting the copy of the British Amabassador's communication, to Governor Froar, was as follows:

Department of State, Washington, September 26, 1913.

The Honorable the Governor of Hawaii, Honolulu, waii, Honolulu, were drawn, not knowing whether or not says of the barry of the police in an algorithm of the barry of the police in an algorithm of the barry of the police in an algorithm of the barry of the police in an algorithm of the barry of the police station that he had been seen going is that house, Isalken went out at once and upon the house being point ed and to him went in with his revol. Were drawn, not knowing whether or not specific and the police of the police of the police station that he had been seen going is that house, Isalken went out at once and upon the house being point ed and out to him went in with his revol. Were drawn, not knowing whether or not specific and the police of the police in an algorithm **Since Judge of a circuit court of has continued to perform the functions of circuit judge of the fourth circuit, be has not been reappointed, but neither the same on the court as he had therefore been doing; he has not been reappointed to the office, and there is no other claimant for the office; he is still recognized as such judge by the department of justice state of the Curt of the sense had the court of the fourth the sixth day of January, 1909, continued, the department of justice state of the Curt of the sense had the complete the sixth day of January, 1909, continued to office through the department of justice has continued to recognize the incumbent of the complete has been sightful and by authority of law and the terms of the complete has been sightful and by authority of law and the terms of the complete having been saide for the incumbent of the complete has been sightful and by authority of law and the terms of the complete has been sightful and by authority of law and the terms of the complete has been sightful and by authority of law merely by list claims and led for the police ambulance in the complete has been with the surface and one of the through the department of justice has continued to recognize the incumbent of the complete has been with the advice and consent to the state of the court to this department of the sixth day of January, 1909, continued to recognize the incumbent of the continued to perform the fluorable. The Section of the same was armed.

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**Since judge de facto.

**Chrocep, the Hencosable, The Section of He wait, Household, He had been stretched out on the floor with like the dead the stream of the term of the sake the stream of t manicipal institution, is the city where
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language I furnishing the playing of
solic fateball or other shouspell
able sportes.

GHILDREN'S COLDS.

Which is the children mela thirs
fifth believed that a committee of five should
be appointed to draw up a plan of
amendment to the party rules and prepare a platform, both of them to be presected to the convention. He inclosed
M. Gaar, Mr. and Mrs. B. W. Hey and infant,
M. Gaar, Mr. and Mrs. B. W. Hey and infant,
M. Gaar, Mr. and Mrs. B. W. Hey and infant,
M. Gaar, Mr. and Mrs. B. W. Hey and infant,
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M. Gaar, Mr. and Mrs. B. W. Hey and infant,
M. Gaar, Mr. and Mrs. J. W. Hey are a platform, both of the convention. He inclosed
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to the convention to the party rules and inclosed
the appointed to the convention. He inclosed
to the convention to the convention. He inclosed
to the c

Cruthers, Mr. and Mrs. W. de Frez, Mrs. F. Dillon, A. Fauconnier, Mr. and Mrs. S. Faroat, Mrs. L. J. Fisk, Col. and Mrs. Chas. W. Gale, Mr. and Mrs. J. Gould, Mrs. Maude Jas, Graves and maid, W. S. Tisdel, Miss Elsie E. Ham-

J. Gould, Mrs. Maude Jas. Graves and maid, W. S. Tissiel, Miss Elsie E. Hamilton, Mr. and Mrs. Elidreth, W. A. Hill, Mrs. Henry P. Hook, Mrs. Thorndyke Keller, Lem Hen Lock, Mrs. H. MacArthur, H. W. Newman, Mr. and Mrs. J. Newsomb, I. H. Nickels, Miss Fannie Northcott, Miss Mijdred Scott, F. W. Sweet, Miss Genevieve Thompson, Miss R. Richardson.

Per O. S. S. Sierra, from San Francisco, October 13.—Mrs. L. C. Ables, Mrs. W. C. Adams, Miss Ethel Adams, Master Harold Adams, F. L. Akana, C. Alcina, Charles Anderson, V. L. Ayau, Mrs. H. H. Baldwin, F. E. Ballinger, D. W. Best, Mrs. W. W. Blood, E. Brodman, R. Brooke, W. T. Buchanan, Mr. and Mrs. E. L. Cable, D. J. Cashman, L. Canhape, Miss R. Canhape, Mr. and Mrs. Geo. Chalmers, E. V. Chase, Mr. and Mrs. Geo. Chalmers, E. V. Chase, Mr. and Mrs. Geo. Chalmers, E. V. Chase, Mr. and Mrs. Geo. Chalmers, E. W. Chase, Mr. and Mrs. L. P. Clarke, Mrs. J. P. Cooke, Miss Emity Cooke, E. Cushingham, A. M. Desha, E. M. Desha, W. F. Desha, Miss May Honohoe, Miss Mona Decakee, Mr. Mogadasch Ms. W. F. Desha, Miss May Honohae, Miss Mona Donohoe, Fr. M. Dornbusch, Mr. and Mrs. G. L. Duckworth and two children, Mrs. W. E. Fllerbrook, Geo. Faris, Mrs. F. Ferguson, Mr. and Mrs. J. Foth-ergill, G. K. Gilman, M. Gomes, Mrs. C. J. Gould, Gordon Grant, W. M. Gris-Friday, October 10, 1913.
Yokohamm—Arrived, October 10, S. S.
Nile, hence September 27,
Saturday, October 11, 1912.
Adelaide—Arrived, October 10, S. S.
Aymeric, hence September 18.
Sayiney—Arrived, October 10, S. S.
Stattalarity from Pearl Harber, September 18.
San Francisco—Sailed, October 13, 1913.
San Francisco—Sailed, October 13, 1913.
PORT OF HUNOLULU.

ARRIVED.
Fiday, October 10, 1913.
Str. Mauna Loa, from Kona and Kau ports, a. m.
Saturday, October 10, 1913.
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Saturday, October 10, 1913.
Str. Mauna Loa, from Kona and Kau ports, a. m.
Saturday, October 10, 1913.
T. K. K. S. S. Hongkong Maru, from Yokobama, a. m.
Sir, Manna Kea, from Hilo, a. m.
M. N. S. S. Honolulan, from Mania, a. m.
Sir, Manna Kea, from Molokai and Mani ports, 12:20 a. m.
Str. Kinau, from Kauai ports, 2:10
T. K. K. S. S. Anyo Maru, from Valparaiso, 12:30 p. m.
O. S. S. Sierra, from San Francisco, a. m.
O. S. S. Sierra, from San Francisco, a. m.
O. S. S. Sierra, from San Francisco, a. m.
O. S. S. Sierra, from San Francisco, a. m.
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O. S. S. Sierra, from San Francisco, a. m.
O. S. S. Sierra, from San Francisco, a. m.
O. S. S. Sierra, from San Francisco, po, p. m.
DEPAPETED.
Str. Claudine, for Kahului, 5 p. m.
M. N. S. S. Hyades, for Island ports, 5 p. m.
M. N. S. S. Hyades, for Island ports, 5 p. m.
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M. N. S. S. Hyades, for Island ports, 5 p. m.
M. N. S. S. H

Mrs. Lee Daiyan and infant. Through:
Rev. L. J. Beebe, Mrs. C. A. Boggs,
Miss F. Boggs, Miss G. Boggs, G. R.
Bubb, Mr. and Mrs. Geo. D. Byers and
infant, F. S. Croggan, Mrs. V. Devore,
Mr. and Mrs. F. J. Halton and infant,
F. Halton, G. Halton, H. Halton, L.
Halton, W. S. Hillis, Miss M. M. Irwin,
Mr. and Mrs. G. W. Morton, Dr. and
Mrs. F. M. Pugsley, Miss Margaret
Pugsley, Miss Lee York Ping, Miss E.
Redmile, Miss L. Thompson, Mrs. H. L.
Walters, B. H. Betts, Mr. and Mrs. W.
H. Hoyt, Master W. O. Johnson, T. A.
Mills, Miss A. R. Mills, M. Nolda, Miss

Alston, A. S. Hayward, E. M. Scoville, Mrs. L. Partika and four children, S. Bull, A. McBryde, F. D. Carroll. Miss Flora Ely, Mr. Reinhard, W. G. Mason, O. A. Steven, H. L. Fuller, A. E. Bourke, Lieut, J. P. Edgerly, V. E. Thuilliar, E. Wormhart, C. A. Brown, Per str. W. G. Hall, for Kauai ports,

Francisco.—M. Fred Francisco.
M. Coke, Miss H. Mahen, Miss P. Smith,

were due to them, and pointed also to numerous other dissensions that arose under the old method. He advocated a strict adherence to the spirit of the di-

reet primary.

Delegate Kuhio also said that although he had never read the primary law and had not the slightest idea what it was, that its spirit should be followed to the letter. Breckons, who drew up the resolution, held that it would prevent the charges of control of the

party by faction.
A letter from A. D. Castro was received and read, its sense being exactly opposite that of the speakers. He believed that a committee of five should

HONOLULU STOCK EXCHANGE.

Honolulu, Monday, October 13, 1913. NAME OF STOCK

Cekaha Sugar Co ... Koloa McBryde Sug. Co. Ltd. Oahu Sugar Co. Olaa Sugar Co. Ltd... Onomea Panihao Sug. Pian. Co Pacific Haiku F & P Co. Ltd... Haw. Electric Co... Haw. Irr. Co. Ltd... Haw. Pincapile Co. Hilo R. R. Co. Pid... Hilo R. R. Co. Com... Honolulu Brewing & Anit. Out standing 200,000

200,000 20 ... 35 750,00 106 ... 35 1,250,000 17 700,000 28 34 38 164,840 20 34 38 2,965,000 20 31 334 \$60,000 20 2144 22 119,000 20 115 229,000 100 1.5 2,50,000 100 1.5 2,50,000 100 1.5 39,000 100 1.0 39,000 10,128 120 5,000,000 10,128 120 30,000 20 12 33 30,000 20 30 1,000,000 ... 523, 85

Onhu Sug. Co., 45; 5, 12.25; 100 Pa-hang Rub. Co., 12.50.

Session Salez.

11 H. C. & S. Co., 25.75; 8 Mut. Tel. 19.00; 30 Honokan, 3.00

Sugar Quotations. 88 deg. analysis beets, 9s 744d; parity, 4.07; 96 deg. centrifugals, 3.42.

Notice. Oct. 10, 1913—Bonds, of Pacific Gua-no and Fertilizer Co., Ltd., listed this

Mills, Miss A. R. Mills, M. Nolda, Miss Juanita Beckley E. Schields. Swims' Alone to Stranded Vessel

Plucky Young Woman Dayes Waves and Danger for Two Miles to Reach S. C. Allen.

With a courage that would have tested the valor of brave men, pretty Juanita Beckley, daughter of Mrs. George C. Beckley, swam two miles through the surf and out into the coral reefs early yesterday afternoon to board the stranded schooner S. C. Allen. Miss Beckley, from Aqua Marina, the home of her mother on Diamond Head road, had watched the vessel as it being carried onto the rocks when the ship finally struck and its flag of distress was holated to the mainmast shortly after noon, the young woman decided to swim out to the boat and offer such aid as she was able to give.

Surf Rough and Choppy.

There was a strong wind blow-ing off shore at the time. This made the surf rough and choppy, but the young woman would not be deterred and started. For a halfhour or more she made her way vessel. A rope was thrown to her by one of the officers and she was quickly pulled aboard, smiling, not tired, and, to use her own words, yesterday afternoon, "strong yesterday afternoon, "strong enough to have gone three miles more if I wanted."

Just a Prank, She Says.

"It was just a prank, and I do not want any credit or noloriety for swimming to the boat," said Miss Beckley, bashfully, yesterday afternoon, on confirming the report of what she had done. "Mrs. Mather, wife of the captain, was aboard at the time, and was doing just as much as any of the crew in trying to save the Allen. She helped pull me abuard. I was one of the first to reach the boat. It looked then as if it was in a pretty bad position and with the sea running it will probably be difficult to save it from less."

An Oahu Girl,

Miss Beckley was born on Oahu and is looked upon as one of the most expert swimmers in the Territory, though she has never taken netive part in awimming con-

After visiting the S. C. Allen peterday she had determined to awint back to shore whoh some members of the Hui Nahi reached the ship in a capes and insisted upon her returning to saure with those